

SMALL PUBLIC HOUSING AUTHORITY ACT

APRIL 2, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OXLEY, from the Committee on Financial Services,  
submitted the following

R E P O R T

[To accompany H.R. 27]

[Including cost estimate of the Congressional Budget Office]

The Committee on Financial Services, to whom was referred the bill (H.R. 27) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Small Public Housing Authority Act”.

**SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN SMALL PUBLIC HOUSING AGENCIES.**

Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following new paragraph:

“(3) EXEMPTION OF CERTAIN SMALL PHAS FROM FILING REQUIREMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

“(i) the requirement under paragraph (1) shall not apply to any qualified small public housing agency; and

“(ii) any reference in this section or any other provision of law to a ‘public housing agency’ shall not be considered to refer to any qualified small public housing agency, to the extent such reference applies to the requirement to submit a public housing agency plan under this subsection.

“(B) DEFINITION.—For purposes of this paragraph, the term ‘qualified small public housing agency’ means a public housing agency that meets all of the following requirements:

“(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 100 or fewer.

“(ii) The agency is not designated pursuant to section 6(j)(2) as a troubled public housing agency.

“(iii) The agency provides assurances satisfactory to the Secretary that notwithstanding the inapplicability of the requirements under this section relating to resident advisory boards and public hearings and notice, residents of public housing administered by the agency will have an adequate and comparable opportunity for participation and notice regarding establishment of the goals, objectives, and policies of the public housing agency.”.

**PURPOSE AND SUMMARY**

The purpose of H.R. 27 is to provide some regulatory burden relief to small public housing authorities (PHAs). H.R. 27 exempts small PHAs from being required to submit an annual plan to the Department of Housing and Urban Development (HUD). For purposes of this legislation, a small PHA is defined as when the sum of both the number of housing units and the number of Section 8 vouchers is 100 or fewer.

**BACKGROUND AND NEED FOR LEGISLATION**

The Public Housing Reform Act requires PHAs to submit both a five-year plan and an annual plan to HUD. The five-year PHA plan addresses the agency’s mission and its plan to achieve its mission. The annual plan requires PHAs to provide details about any updates or changes to the five-year plan.

Specifically, the annual plan, among other things, has typically asked for the following information: housing needs of the families in the jurisdiction; strategies to meet these needs; statement of financial resources; and PHA policies governing eligibility, selection, and admissions. An example of a streamlined plan was 47 pages with extensive attachments.

This legislation is needed to ease one of the burdens placed on small PHAs, which many times only have a part-time executive director. These directors do not have the time, staff or resources to complete these annual plans by themselves. Currently, a number of small PHAs are forced to hire consultants since they do not have

the computer software packages to help complete these annual plans. These consultants are an expensive cost for small PHAs which already are facing numerous fiscal challenges.

#### COMMITTEE CONSIDERATION

The Committee on Financial Services met in open session on March 17, 2004 and ordered reported to the House H.R. 27, the "Small Public Housing Authority Act" by a voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. No record votes were taken with in conjunction with the consideration of this legislation. A motion by Mr. Oxley to report the bill to the House with a favorable recommendation was agreed to by a voice vote.

The following amendment was considered:

An amendment in the nature of a substitute by Mr. Bereuter, No. 1, making various substantive and technical changes to the bill, was agreed to by a voice vote.

#### PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The objective of this legislation is to reduce the administrative workload of small PHAs. The goal of H.R. 27 is to give executive directors of small PHAs more time to focus on the needs of their tenants rather than having to spend time completing an annual plan which is submitted to HUD.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that this legislation would result in no new budget authority, entitlement authority, or tax expenditures or revenues.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, March 22, 2004.

Hon. MICHAEL G. OXLEY,  
 Chairman, Committee on Financial Services,  
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 27, the Small Public Housing Authority Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Chad Chirico.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
 Director.

Enclosure.

*H.R. 27—Small Public Housing Authority Act*

H.R. 27 would exempt small housing authorities that administer 100 or fewer units of assisted housing from the requirement to prepare an annual public housing agency plan. The threshold would include both public housing units and vouchers under section 8 of the United States Housing Act of 1937. Annual public housing agency plans outline low-income housing needs in the jurisdiction served by the public housing agency and identify strategies to address those needs.

CBO estimates that implementing H.R. 27 would have no significant effect on the federal budget and would not affect direct spending or revenues.

H.R. 27 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Chad Chirico. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title*

This section establishes the short title of the bill, the “Small Public Housing Authority Act.”

*Section 2. Public Housing Agency plans for small public housing agencies*

This section amends section 5A of the United States Housing Act of 1937 by exempting small PHAs from being required to submit an annual plan to HUD. This section defines a small PHA as when the sum of both the number of housing units and the number of Section 8 vouchers is 100 or fewer.

Under this section, small PHAs who are exempt from the annual planning requirement would still have to complete a five-year plan. Furthermore, a small PHA, which is designated as a troubled housing agency by HUD, would still be required to submit an annual plan.

This section requires that tenants of small PHAs, which are exempt from the annual planning requirement, must continue to have an adequate and comparable opportunity for participation and notice regarding the establishing of goals, objectives, and policies of the PHA.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**SECTION 5A OF THE UNITED STATES HOUSING ACT OF  
1937**

**SEC. 5A. PUBLIC HOUSING AGENCY PLANS.**

(a) \* \* \*

(b) ANNUAL PLAN.—

(1) \* \* \*

\* \* \* \* \*

(3) *EXEMPTION OF CERTAIN SMALL PHAS FROM FILING REQUIREMENT.*—

(A) *IN GENERAL.*—*Notwithstanding paragraph (1) or any other provision of this Act—*

*(i) the requirement under paragraph (1) shall not apply to any qualified small public housing agency; and*

*(ii) any reference in this section or any other provision of law to a “public housing agency” shall not be*

*considered to refer to any qualified small public housing agency, to the extent such reference applies to the requirement to submit a public housing agency plan under this subsection.*

*(B) DEFINITION.—For purposes of this paragraph, the term “qualified small public housing agency” means a public housing agency that meets all of the following requirements:*

*(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 100 or fewer.*

*(ii) The agency is not designated pursuant to section 6(j)(2) as a troubled public housing agency.*

*(iii) The agency provides assurances satisfactory to the Secretary that notwithstanding the inapplicability of the requirements under this section relating to resident advisory boards and public hearings and notice, residents of public housing administered by the agency will have an adequate and comparable opportunity for participation and notice regarding establishment of the goals, objectives, and policies of the public housing agency.*

\* \* \* \* \*

